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General Assembly

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Fifty-ninth session
Third Committee
Agenda item 105 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003 and 2004/14 of 15 April 2004,

Concerned about the preliminary findings and conclusions of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, according to which the 17 October 2004 parliamentary elections fell significantly short of Belarus' Organization for Security and Cooperation in Europe commitments to hold a free and fair election, and that the simultaneous referendum was conducted in a highly distorted campaign environment,

1. *Expresses deep concern*:

(a) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe, as well as dialogue between the Government

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[2] Resolution 217 A (III).

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and the Organization for Security and Cooperation in Europe following previous elections, Belarus failed to meet its international obligations and commitments to hold free and fair elections, including by arbitrarily applying election laws, including on registration as candidates, obstructing the right of access to the media, disseminating biased presentations of the issues by state media and falsifying vote counts, and that the electoral process and the legislative framework in Belarus remain fundamentally flawed;

(b) About continued reports of cases of harassment, arbitrary arrest and detention, and allegations of abuse while in detention, of domestic and international journalists, opposition politicians and peaceful demonstrators in connection with the October elections and post-election demonstrations;

(c) About the continued and expanding criminal prosecutions of leading opposition figures and human rights defenders;

(d) That senior officials of the Government of Belarus have been implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted by the Parliamentary Assembly of the Council of Europe in resolution 1371, of 28 April 2004;

(e) About the Belarusian authorities' decision to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University to close down;

(f) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties and independent trade unions, and the harassment of individuals engaged in democratic activities;

2. *Urges* the Government of Belarus:

(a) To adhere to its international obligations and commitments to hold free and fair elections and to rectify problems with the electoral process, including, inter alia, the arbitrary application of electoral laws, including those on registration as candidates, the obstruction of the right of access to the media, the biased presentation of the issues by state media and the falsification of vote counts;

(b) To cease politically motivated prosecution and harassment of political opponents and pro-democracy activists and human rights defenders, educational institutions and civil society actors;

(c) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases, and to bring the alleged perpetrators to justice before an independent tribunal, and if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(d) To investigate and hold accountable those responsible for the mistreatment of domestic and foreign journalists in connection with the October 2004 elections and post-election demonstrations, including those associated with Russian First Channel (ORT), RenTV and NTV, Associated Press;

(e) To carry out all the other steps called for by the Commission of Human Rights in its resolution 2004/14;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Commission on Human Rights, and in particular with the special rapporteur appointed in resolution 2004/14.

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Fifty-ninth session
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Agenda item 105 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003 and 2004/14 of 15 April 2004,

Concerned about the preliminary findings and conclusions of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, according to which the 17 October 2004 parliamentary elections fell significantly short of Belarus' Organization for Security and Cooperation in Europe commitments to hold a free and fair election, and that the simultaneous referendum was conducted in a highly distorted campaign environment,

* Reissued for technical reasons.
[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.

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1. *Expresses deep concern*:

(a) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe, as well as dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, Belarus failed to meet its international obligations and commitments to hold free and fair elections, including by arbitrarily applying election laws, including on registration as candidates, obstructing the right of access to the media, disseminating biased presentations of the issues by state media and falsifying vote counts, and that the electoral process and the legislative framework in Belarus remain fundamentally flawed;

(b) About continued reports of cases of harassment, arbitrary arrest and detention, and allegations of abuse while in detention, of domestic and international journalists, opposition politicians and peaceful demonstrators in connection with the October elections and post-election demonstrations;

(c) About the continued and expanding criminal prosecutions of leading opposition figures and human rights defenders;

(d) That senior officials of the Government of Belarus have been implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted by the Parliamentary Assembly of the Council of Europe in resolution 1371, of 28 April 2004;

(e) About the Belarusian authorities' decision to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University to close down;

(f) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties and independent trade unions, and the harassment of individuals engaged in democratic activities;

2. *Urges* the Government of Belarus:

(a) To adhere to its international obligations and commitments to hold free and fair elections and to rectify problems with the electoral process, including, inter alia, the arbitrary application of electoral laws, including those on registration as candidates, the obstruction of the right of access to the media, the biased presentation of the issues by state media and the falsification of vote counts;

(b) To cease politically motivated prosecution and harassment of political opponents and pro-democracy activists and human rights defenders, educational institutions and civil society actors;

(c) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases, and to bring the alleged perpetrators to justice before an independent tribunal, and if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(d) To investigate and hold accountable those responsible for the mistreatment of domestic and foreign journalists in connection with the October 2004 elections and post-election demonstrations, including those associated with Russian First Channel (ORT), RenTV and NTV, Associated Press;

(e) To carry out all the other steps called for by the Commission of Human Rights in its resolution 2004/14;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Commission on Human Rights, and in particular with the special rapporteur appointed in resolution 2004/14.

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Fifty-ninth session
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Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Austria, Belgium, Cameroon, Chile, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Poland, Portugal, Senegal, Slovakia, Slovenia, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland: draft resolution

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[1] and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,[2]

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

[1] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.
[2] See ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[3] A/CONF.157/24 (Part I), chap. III.

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Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Noting the progress achieved thus far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level,

1. *Takes notes with satisfaction* of the report of the Secretary-General;[4]

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the

[4] A/59/323.

experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the United Nations human rights treaty bodies, on the one hand, and regional organizations and institutions, including the Council of Europe, the Organization for Security and Cooperation in Europe, the League of Arab States, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions to allow for closer working relations with States, United Nations country teams, international and regional organizations as well as non-governmental organizations;

8. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and, in this regard, notes with interest:

(a) The positive experience of the regional and subregional presence of the Office of the High Commissioner in southern, central and eastern Africa aimed at strengthening national and subregional human rights capacities;

(b) The support of the Office of the High Commissioner to the African Union for the strengthening of its human rights system, and welcoming in this regard the entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights;

(c) The increased, valuable sharing of concrete national experiences, at the eleventh and twelfth Workshops on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Islamabad in 2003 and Doha in 2004, regarding the implementation of the Framework of Regional Technical Cooperation for the Asia-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region;

(d) Activities undertaken in the framework of the regional project of the Office of the High Commissioner for the promotion and protection of human rights in the Latin American and the Caribbean region and the strengthening of the cooperation between the Office, the Organization of American States and the Inter-American Commission on Human Rights;

(e) Activities undertaken in the framework of cooperation between the Office of the High Commissioner and the League of Arab States and the intention to develop a broader technical cooperation programme in cooperation with the League of Arab States following the recent adoption of the Arab Charter on Human Rights;

(f) The continued cooperation between the Office of the High Commissioner and regional organizations in Europe and Central Asia, namely the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, in particular for activities at the country level, as well as the agreements between the European Commission and the Office of the High Commissioner for financing technical cooperation projects;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements, with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General, as foreseen in programme 19, Human rights, of the medium-term plan for the period 2002-2005,[5] to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to work through the United Nations country teams to strengthen national protection systems in accordance with action 2 of the Secretary-General's reform programme;

12. *Invites* the Secretary-General to provide, in the report he will submit to the Commission on Human Rights at its sixty-first session, information on progress made since the adoption of the Vienna Declaration and Programme of Action[3] on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

13. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights, and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider this question further at its sixty-first session.

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[5] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1).

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Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolutions 1992/72 of 5 March 1992[3] and 2001/45 of 23 April 2001,[4] as well as General Assembly resolution 47/136 of 18 December 1992,

Mindful of its resolutions on the subject of extrajudicial, summary or arbitrary executions, and the resolutions of the Commission on Human Rights on the subject,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., 2001, *Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes with grave concern* that situations of extrajudicial, summary or arbitrary executions may, under certain circumstances, result in mass murder, ethnic cleansing or genocide;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

6. *Acknowledges* the establishment of the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that a significant number of States have already signed, ratified or acceded to the Rome Statute,[5] and calls upon all other States to consider becoming parties to the Statute;

7. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on

[5] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

the Rights of the Child,[6] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *Urges* Governments:

(a) To undertake all necessary and possible measures to prevent the occurrence of extrajudicial, summary or arbitrary executions;

(b) To undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflicts, and to ensure that the police, law enforcement agents and security forces act with restraint and in conformity with international human rights law and humanitarian law;

(c) To undertake all necessary and possible measures to prevent deaths in custody;

(d) Not to expel, return or extradite anyone to a country where there are substantial grounds for believing that he or she may become a victim of extrajudicial, summary or arbitrary execution;

(e) To ensure the effective protection of the right to life of all persons under their jurisdiction, and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic or linguistic minorities, of refugees, internally displaced persons, street children or members of indigenous communities, killings of persons for reasons related to their peaceful activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2004/259 of 22 July 2004 to extend the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions for three years;

11. *Takes note with appreciation* of the interim report of the Special Rapporteur to the General Assembly[7] and the recommendations contained therein, and invites Governments to give them due consideration;

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[6] Resolution 44/25, annex.

[7] A/59/319.

12. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

13. *Urges* the Special Rapporteur to continue, within his mandate, to bring to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or where early action might prevent further deterioration;

14. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in that regard;

15. *Urges* all Governments, in particular those that have not yet done so, to respond in a timely manner to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

16. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

17. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

18. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

19. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolutions 1992/72 of 5 March 1992[3] and 2001/24 of 23 April 2001,[4] as well as General Assembly resolution 47/136 of 18 December 1992,

Noting its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights on the subject,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., 2001, *Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes with grave concern* that situations of extrajudicial, summary or arbitrary executions may, under certain circumstances, result in genocide or crimes against humanity, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide[5] and other relevant international instruments;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

6. *Acknowledges* the establishment of the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that ninety-seven States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute,[6] and calls upon all other States to consider becoming parties to the Statute;

7. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on

[5] Resolution 260 A (III), annex.

[6] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *Urges* Governments:

(a) To undertake all necessary measures to prevent the occurrence of extrajudicial, summary or arbitrary executions, including those occurring in custody;

(b) To undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflicts, and to ensure that the police, law enforcement agents and security forces act with restraint and in conformity with international human rights law and international humanitarian law;

(c) To ensure the effective protection of the right to life of all persons under their jurisdiction, and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic, religious or linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their peaceful activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2004/259 of 22 July 2004 to extend the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions for three years;

11. *Takes note* of the interim report of the Special Rapporteur to the General Assembly;[8]

12. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

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[7] Resolution 44/25, annex.

[8] A/59/319.

13. *Urges* the Special Rapporteur to continue, within his mandate, to bring to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or where early action might prevent further deterioration;

14. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in that regard;

15. *Urges* all Governments, in particular those that have not yet done so, to respond in a timely manner to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

16. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

17. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

18. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

19. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon.

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Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico and Venezuela: draft resolution

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its resolution 58/246 of 23 December 2003, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Convinced of the contribution that a convention can make in this regard, and encouraged by the increased support of the international community for such a convention,

Stressing the importance of the active participation of intergovernmental and non-governmental organizations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities,

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Underlining the importance of the participation of the Special Rapporteur on disability of the Commission for Social Development in the work of the Ad Hoc Committee,

Recognizing the important contributions made thus far to the Ad Hoc Committee by all stakeholders,

1. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities;[1]

2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission for Social Development at its forty-third session and to the Commission on Human Rights at its sixty-first session, and further requests both Commissions to continue to contribute to the work of the Ad Hoc Committee;

3. *Welcomes with satisfaction* the beginning of the negotiations by the Ad Hoc Committee on a draft convention at its third session, as requested by General Assembly resolution 58/246, and the progress achieved so far in the negotiation of a draft convention;

4. *Requests* the Ad Hoc Committee to increase its momentum in the current negotiations on the draft convention, with the aim of submitting it to the General Assembly at its sixtieth session;

5. *Decides* that the Ad Hoc Committee shall hold, within existing resources, two sessions of fifteen working days each in 2005, in January/February and in August, respectively, prior to the sixtieth session of the General Assembly;

6. *Underlines* the importance of further strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the Secretariat in order to provide substantive and technical support to the work of the Ad Hoc Committee, and in this regard invites them to organize, within existing resources, in close connection and timing with the meetings of the Ad Hoc Committee, meetings of experts and seminars in relation to the draft convention and to provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention;

7. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work, and in this context requests the Secretary-General to reallocate resources to the United Nations Programme on Disability so as to provide support to the negotiations on a draft convention;

8. *Stresses* the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation regarding facilities and documentation, for all persons with disabilities, in accordance with General Assembly decision 56/474 of 23 July 2002;

9. *Encourages* Member States to continue to include in their delegations to the Ad Hoc Committee persons with disabilities and/or other experts in the field;

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[1] See A/59/360.

10. *Urges* Member States, observers, civil society and the private sector to contribute to the voluntary fund established pursuant to its resolution 57/229 of 18 December 2002 to support the participation of non-governmental organizations and experts from developing countries, in particular least developed countries, in the work of the Ad Hoc Committee;

11. *Requests* the Secretary-General to disseminate widely to non-governmental organizations all available information on accreditation procedures, modalities and supportive measures for their participation in the work of the Ad Hoc Committee, as well as the guidelines applicable to the financial assistance that is available through the voluntary fund;

12. *Also requests* the Secretary-General to transmit a comprehensive report of the Ad Hoc Committee and to report on the implementation of paragraphs 6, 7, 8 and 11 of the present resolution to the General Assembly at its sixtieth session.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Thailand, Tunisia, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling article 18 of the Universal Declaration of Human Rights,[1] article 18 of the International Covenant on Civil and Political Rights[2] and paragraph 4 of the United Nations Millennium Declaration,[3]

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See resolution 55/2.

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Noting the provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[4] aimed at combating religious intolerance,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, and in public or in private,

Reaffirming the call, made eleven years ago in Vienna at the World Conference on Human Rights, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[5]

Underlining the important role of education in the promotion of tolerance, which involves the acceptance of and respect for diversity, and underlining also that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, continue to occur in many parts of the world and threaten the full enjoyment of human rights and fundamental freedoms,

Profoundly concerned at acts and situations of violence and discrimination resulting from religious intolerance that affect many women,

Deeply concerned at the overall rise in intolerance and discrimination on the grounds of religion or belief, including restrictive legislation, administrative regulations and discriminatory registration and the arbitrary application of these and other measures,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as emphasized also at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Reaffirms* that freedom of thought, conscience, religion or belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion or belief, including the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief is violated;

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[4] See A/CONF.189/12 and Corr.1, chap. I.

[5] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of their religion or belief, deprived of the right to life, liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained, and to protect their physical integrity and bring to justice all perpetrators of violations of these rights;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to persons belonging to religious minorities;

5. *Urges* States to devote particular attention to combating all practices motivated by religion or belief which lead, directly or indirectly, to human rights violations and to discrimination against women;

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if those limitations that are prescribed by law are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. *Urges* States to ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief and to ensure that all necessary and appropriate education or training is provided;

8. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

10. *Expresses its grave concern* at all attacks upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that such places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

11. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief, and that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration, and in this regard invites States, religious bodies and civil society to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion or belief and to encourage and promote, through the educational system and by other means,

understanding, tolerance and respect in matters relating to freedom of religion or belief;

12. *Emphasizes* the importance of a continued and strengthened dialogue among religions or beliefs, including as encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

13. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief,[6] and encourages continued efforts to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

14. *Urges* all States to cooperate fully with the Special Rapporteur, including by considering favourably her requests to visit their countries so as to enable her to fulfil her mandate even more effectively, welcomes the initiatives of States to collaborate with the Special Rapporteur, and encourages civil society to continue its active collaboration with her;

15. *Urges* States to make all appropriate efforts to encourage those engaged in education to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

16. *Encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience, religion or belief;

17. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation and dissemination of the Declaration, and further encourages their work in relation to promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

18. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

20. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixtieth session under the item entitled "Human rights questions", and requests the Special Rapporteur to submit an interim report to the General Assembly on the item.

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[6] See A/58/296.

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Agenda item 105 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Belarus: draft resolution

Situation of democracy and human rights in the United States of America

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken,

Mindful that the United States of America is a party to the International Covenant on Civil and Political Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and the International Convention on the Elimination of All Forms of Racial Discrimination,[4]

Recalling that each State party to the International Covenant on Civil and Political Rights undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that improving security and the fight against terrorism should be conducted with full respect for human rights and democratic principles,

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.

04-58916 (E) 051104

Bearing in mind the European Parliament resolution on Guantanamo of 28 October 2004,[5]

Noting that the United States of America is a member of the Organization of American States and is obliged to observe the human rights standards under the Charter of that Organization, and aware that on 23 December 2003, the Inter-American Commission on Human Rights of the Organization of American States decided that the denial of equal participation by the residents of Washington, D.C., in their own national legislature by duly elected representatives constituted violations of provisions of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States in 1948,

Taking note of the report of the needs assessment mission on the presidential elections in the United States of America of the Organization on Security and Cooperation in Europe,

1. *Expresses deep concern and dismay*:

(a) At reports from credible sources on systematic violations of fundamental rights and freedoms in the United States, including alarming attacks on press freedom and tight control over news media; arbitrary, incommunicado and secret detentions and arrests; and continued and expanding intolerance, xenophobia and discrimination;

(b) That the electoral system in the United States does not comply with the obligations of the United States under the International Covenant on Civil and Political Rights[2] to provide every citizen with the right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) That despite the report by the United States Commission on Civil Rights on the 2000 presidential election, which concluded that in Florida election policies and practices were in place that prevented some of Florida's residents, particularly African Americans, Spanish and Creole-speaking nationals with language assistance needs and persons with disabilities, from voting and from having their votes counted, such practices have continued during the current presidential election;

(d) That some election techniques, including verification requirements, disproportionately disenfranchise the poor, the elderly, minorities and immigrants;

(e) That despite promising to improve the electoral system after the 2000 presidential election, the United States has failed to reform the system, which remains fundamentally flawed and could disenfranchise some eligible voters and allow manipulation of the results of elections;

(f) That despite the fact that, like other States members of the Organization for Security and Cooperation in Europe, the United States has freely taken on a politically binding commitment to ensure that the election is free and fair, in some respect it is not meeting its commitment by prohibiting independent international and domestic observers of the Organization from monitoring the presidential election in 2004;

[5] See www.europarl.eu.int/home/default_en.htm,P6_TA-PROV(2004)0050.

(g) That the United States continues to violate international standards in its use of the death penalty for people who were under 18 years of age at the time the crimes were committed and for the mentally ill;

(h) That the United States legislative measures to enhance security, including the adoption and implementation of the Patriot Act, have led to the limitation and abuse of vital civil rights and freedoms of nationals of the United States;

(i) About information on the deprivation of the rights of an undisclosed number of persons, including minors, detained as a result of military operations launched in Afghanistan and being held at present in detention camps located in the United States naval base in Guantanamo, as well as about the forced disappearances of some detainees;

(j) At the continued reports of ill-treatment, torture, death in custody and excessive use of force by police and prison officers, including the use of isolation, dogs, sensory and sleep deprivation, death threats and other forms of torture or cruel inhuman or degrading treatment as interrogation techniques;

2. *Urges* the Government of the United States of America:

(a) To put an end to the violations of human rights mentioned above;

(b) To become a party to all core international human rights instruments, thus allowing the international community to monitor the situation of human rights in the United States in full;

(c) To fully cooperate with special procedures of the Commission on Human Rights to ensure that all necessary measures are taken to investigate fully and impartially all cases of arbitrary detention, forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of the United States;

(d) To bring the electoral process and legislative framework into line with international standards;

(e) To take the necessary steps, in accordance with its constitutional process and with the provisions of the International Covenant on Civil and Political Rights, as well as with respect to the recommendations made by the Inter-American Commission on Human Rights, to grant the residents of Washington, D.C., an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to them the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature;

(f) To abolish the death penalty for people who were under the age of 18 at the time the crimes were committed and for the mentally ill;

(g) To end immediately the practice of incommunicado and secret detentions and ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups;

(h) To implement a zero-tolerance policy on torture by investigating all allegations of torture and holding perpetrators of torture accountable so as to promote a culture in which torture is regarded as unacceptable, criminal behaviour;

(i) To invite all relevant human rights monitoring mechanisms, especially the Special Rapporteurs of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions, and the Working Groups of the Commission on Enforced or Involuntary Disappearances and on Arbitrary Detention to visit all places of detention and to grant them unlimited access to all detention centres;

(j) To take urgent measures to bring legislation on national security into compliance with United States obligations under relevant international instruments;

(k) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

3. *Insists* that the Government of the United States of America cooperate fully with and extend invitations to all the mechanisms of the Commission of Human Rights, including the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances, and the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions;

4. *Decides* to consider this question at its sixtieth session, under the same agenda item.